



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

82 CIVIL APPLICATION NO. 2065 OF 2025 (for Delay)
IN FAST/5335/2025

The Executive Engineer, Latur M.P.D., Latur,
Sinchan Bhavan, Old Ausa Road, Latur
VERSUS

Sunil Mareappa Motewad And Ors

WITH

CIVIL APPLICATION NO. 2067 OF 2025 (for Delay)
IN FAST/5332/2025

WITH

CIVIL APPLICATION NO. 2066 OF 2025 (for stay)
IN FAST/5335/2025

WITH

CIVIL APPLICATION NO. 2068 OF 2025 (for stay)
IN FAST/5332/2025

Mr.R.B.Deshpande, Advocate for applicants
Mr.S.S.Dande, AGP for State authorities

CORAM : AJIT B. KADETHANKAR, J.
DATE : SEPTEMBER 22, 2025

ORDER :-

The First Appeal Stamp No.5335 of 2025 is arising out of the judgment and award dated 18.02.2021, passed by learned Civil Judge, Senior Division, Udgir, Dist. Latur, in LAR No.165 of 2013; while First Appeal Stamp No.5332 of 2025 is arising out of the judgment and award dated 18.02.2021, passed by learned Civil Judge, Senior Division, Udgir, Dist. Latur, in LAR No.166 of 2013.

2. Both Civil Application No.2065 of 2025 in First Appeal Stamp No.5335 of 2025 and Civil Application No.2067 of 2025 in First Appeal Stamp No.5332 of 2025, are filed by the acquiring body, seeking condonation of delay of 858 days, caused in filing the First Appeals.

3. It appears that pursuant to the notices issued by this court on 26.02.2025, the service on the respondents is complete. Nobody appears pursuant to the said notices. Today also, no one has caused appearance for the respondents. Mr.Deshpande, learned counsel for the applicants, submits that the claimants have been served long before. This matter was adjourned more than once to await for the appearance on behalf of the respondents.

4. In view of the above, both the applications for condonation of delay are considered on merit.

5. Mr.Ram Deshpande, learned counsel for the applicants/ appellants submits that both the appeals arise out of the judgment and award passed by the learned reference court. He would submit that the respective delay caused in the appeals is purely due to administrative exigency. He would submit that there is no deliberate negligence or lethargy on the part of the acquiring body. The

applicants/appellants submit that they are public/Government body and there are various processes in filing an appeal in the court. That, the administrative exigency in obtaining various approvals as also requisite funds/court fees consumes much time, which results into such delay. The applicant/appellant is the custodian of the funds. It is further submitted that for the reasons stated above, the applicant seeks condonation of delay with a prayer to adjudicate the appeal on its merits.

6. I am of the considered view that the administrative exigencies, as explained by the applicant generally do result in delay in filing the First Appeals. Its apparent that the delay caused in filing present appeal is a big enough requiring the Court to apply judicious mind cautiously to use the discretion to condone the delay. The parameters to use such discretion are set by various verdicts of the Honorable Supreme Court as also by this Court in various cases.

7. A profitable reference can be made to the Judgment & Order passed by the Honorable Supreme Court in the case of **Sheo Raj Singh (Deceased through LRs.) & Ors. V/s Union of India and ors. [Civil Appeal No.5867 of 2015 dtd.09-10-2023]**. Honorable Supreme Court was dealing with an Appeal wherein High Court's order condoning delay of 479 days caused in filing a First

Appeal by the Government against a Judgment & Award passed in Land Acquisition Reference was under challenge.

8. Considering the overall law prevailing in the field of 'condonation of delay in appeals filed by the Government bodies and Authorities', the Honorable Supreme Court approved the view adopted by the High Court to condone the delay.

9. In the present case firstly , the object in challenging the impugned Judgment & Award is averred not only to save the public funds, but to object unjust and irrational consideration rendered by the Ld. Trial Court excepting the concept of 'Just & Fair Compensation'. Secondly, if the appeal is heard on its own merit it would lead to substantial justice. For the delayed period , the charge of interest on the award amount is also running. As such the interest of the claimants is protected enough. Rather if the delay is not condoned, it would result into miscarriage of justice. Thirdly, the applicant/Appellant has sufficiently and properly explained the delay although not day-to-day. In my considered opinion, present case is squarely covered by the law laid down in "Sheo Raj case" (Supra) wherein its held that, length of delay is not decisive in such cases where delay is properly explained.

10. For the reasons stated above, I am of the pragmatic view that by using the judicial discretion, delay in filing present First Appeals deserves to be condoned.

11. Hence I pass following order:-

(i) The delay of 858 days in filing the First Appeals stands condoned. The applications stand allowed.

(ii) The Registry to register the appeals, subject to removal of the office objections, if any, by the applicants/appellants. On registration, issue notice to the respondents.

(iii) The matter be listed after service of notice is complete. In the meantime, applicants/appellants shall take recourse to Chapter II of the Bombay High Court Appellate Side Rules, 1960, corresponding to the position of the matter.

In C.A. for stay:-

12. Mr.Deshpande, learned counsel for the applicants, submits that the amount that was directed to be deposited while granting stay this court, is remained to be deposited due to non-availability of funds. He prays for further time to make such deposit. Thus, two weeks time is granted make such deposit. Costs of

Rs.10,000/ would be the condition precedent for seeking further extension of time.

[AJIT B. KADETHANKAR, J.]

KBP